

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 385

Introduced by Assembly Member Chu

February 18, 2015

An act to add *and repeal* Section 43209.3 ~~to~~ of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 385, as amended, Chu. Solid waste facilities: local enforcement agencies.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, prohibits a person from operating a solid waste facility without a solid waste facilities permit, as provided. The act requires the department to prepare and adopt certification regulations for local enforcement agencies. The act requires the local enforcement agency, if it receives a complaint from an air pollution control district or an air quality management district pertaining to an odor emanating from a compost facility under its jurisdiction, to take appropriate enforcement actions, as provided.

This bill would, ~~if a solid waste facility in a jurisdiction is within a quarter mile of a municipality or municipalities that are not part of the jurisdiction, require the local enforcement agency that has jurisdiction over the facility to hold a public meeting every 6 months to report violations, investigations, and remedial actions that have occurred since~~

~~the previous meeting and to receive information regarding odor and other nuisance impacts of the facility from representatives of that municipality or those municipalities, as specified. until January 1, 2019, require the local enforcement agency that has jurisdiction over the Newby Island Landfill to establish a Newby Island Landfill Community Advisory Committee, comprised of representatives of specified local government agencies, members of the public, and a representative of the landfill operator, to hold public meetings, relating to the proposed Newby Island Landfill expansion and take other actions as provided.~~ By imposing new duties on a local enforcement agency, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43209.3 is added to the Public Resources
2 Code, to read:
3 ~~43209.3. If a solid waste facility in a jurisdiction is within a~~
4 ~~quarter mile of a municipality or municipalities that are not part~~
5 ~~of the jurisdiction, the local enforcement agency that has~~
6 ~~jurisdiction over the facility shall hold a public meeting, at least~~
7 ~~every six months, to report violations, investigations, and remedial~~
8 ~~actions that have occurred since the previous meeting and to receive~~
9 ~~information regarding odor and other nuisance impacts of the~~
10 ~~facility from representatives of that municipality or those~~
11 ~~municipalities, unless waived in writing by the municipality or~~
12 ~~municipalities.~~
13 43209.3. (a) *The local enforcement agency that has jurisdiction*
14 ~~over the Newby Island Landfill shall establish a Newby Island~~
15 ~~Landfill Community Advisory Committee, comprised of the~~
16 ~~following members:~~

1 (1) A representative from each city located within one mile of
2 the Newby Island Landfill, who shall be appointed by the city
3 council of the city and who shall represent the city.

4 (2) A representative of the local enforcement agency that has
5 jurisdiction over the Newby Island Landfill, who shall be appointed
6 by that local enforcement agency.

7 (3) A representative from the Bay Area Air Quality Management
8 District, who shall be appointed by the district.

9 (4) A representative of the Newby Island Landfill operator.

10 (5) Two members of the public, who shall be agreed upon and
11 appointed by the city councils of the cities described in paragraph
12 (1).

13 (b) The advisory committee shall do all of the following:

14 (1) Hold a public meeting, at least once every six months, but
15 more frequently if desired by the advisory committee, to discuss
16 issues related to the proposed Newby Island Landfill expansion.

17 (2) Receive and review information related to an independent
18 odor study, if such a study is completed, and make
19 recommendations to the government agencies represented on the
20 committee.

21 (c) This section shall remain in effect only until January 1, 2019,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2019, deletes or extends that date.

24 SEC. 2. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.